



CALIFORNIA URBAN WATER AGENCIES

February 19, 2019

Submitted via: <https://oehha.ca.gov/water/comments/comment-submissions-human-right-water-california>

Carolina Balazs
Office of Environmental Health Hazard Assessment
1515 Clay Street, 16th Floor
Oakland, CA 94612

Subject: A Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water

Dear Ms. Balazs:

The California Urban Water Agencies (CUWA) is a nonprofit corporation of 11 major urban water agencies collectively delivering drinking water to two-thirds of California's population and is committed to providing safe, reliable drinking water for their customers at all levels of income. CUWA has been exploring workable and timely solutions for restoring access to safe, high-quality water for residents in rural disadvantaged communities (DACs) across California, while also not exacerbating the affordability concerns of urban low-income customers.

We appreciate the state's commitment to the human right to water and welcome the opportunity to comment on the Office of Environmental Health Hazard Assessment's (OEHHA's) January 2019 Draft Framework and Tool. CUWA agrees it is appropriate to break indicators into three different components: water quality, water accessibility, and water affordability. Though often related, the drivers behind these components are distinct. It is critical to parse out the root causes of failure, using available data and information to strategically guide appropriate and effective solutions for each. We offer the following recommendations to ensure that the framework is comprehensive, implementable, and consistent with state regulation.

- **Leverage existing data sources where possible.** Although some additional data gathering may be necessary, we caution the state to limit additional workload that may inadvertently divert water utility resources from addressing the problem. We appreciate the attempt to pull from existing data sources as much as possible and hope that the evolving versions of the framework continue to do so, only requiring new reporting when necessary to fill a true data gap.
- **Correct misleading statements that indicate compliance is determined at surface water intakes.** Pages 9 and 16 incorrectly state that "compliance with most regulatory standards is determined [at]...a surface water intake". Most standards (except those noted in the footnotes) are determined at the entry point to the distribution system, which can be very different from the surface water intake. We appreciate the distinction between water quality in the distribution system and water quality at the tap; however, it is misleading to characterize MCL compliance as happening at the source. In some cases, as with untreated ground water, the source water quality may be the same as that in the distribution system; however, once any treatment is applied the MCL compliance point is after treatment and not at the source. Water systems take great care to ensure they provide appropriate treatment to mitigate source water quality issues and variability. Implying that MCLs apply at the source ignores this fact.
- **Confirm alignment with existing regulation.** Page 15 (Water Quality Indicator 2) introduces the term "semi-acute" in reference to regulated contaminants, which is not further defined in this

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Alameda County Water District
East Bay Municipal Utility District
City of Fresno Department of Public Utilities
City of San Diego Public Utilities Department

San Francisco Public Utilities Commission
Santa Clara Valley Water District
Zone 7 Water Agency

Contra Costa Water District
San Diego County Water Authority
Los Angeles Department of Water & Power
Metropolitan Water District of Southern California

document. We suggest removing this term, as it does not appear in the Health and Safety Code pertaining to California Regulations Related to Drinking Water and may cause confusion with existing concepts, further complicating the communication of health risks to the public.

- **Focus initially on systems with persistent water quality issues to accelerate progress and target solutions.** Achieving timely progress often requires prioritization of needs. CUWA believes that identifying systems with persistent violations for the same contaminant over multiple years can help bring early focus and results to systems most in need of assistance and is pleased to see this concept reflected in Water Quality Indicator 3.
- **Incorporate reliability into accessibility indicators.** Redundancy and the availability of backup water sources is an important factor in a system's vulnerability to supply outages, as well as the reliability of each source. The current Water Accessibility Indicator 1 only considers the number of sources and does not factor in reliability of those supplies. For example, a system with three wells which are almost pumped dry should not be deemed to have a higher accessibility factor than a system with two wells which have adequate capacity. It also focuses just on groundwater and surface water supplies in determining shortages and should include other drought-resilient sources, such as recycled water, potable reuse, seawater desalination or other fit for purpose water.
- **Acknowledge the full range of drivers behind rising water rates in California.** All three affordability indicators use the cost of the systemwide average bill as a term in the numerator of each affordability ratio. These costs are a result of the increasing cost of service to address aging infrastructure, comply with more stringent water quality standards, prepare for climate change, provide safe and reliable drinking water, and comply with an increasing number of State mandates—such as lead testing in schools, dam seismic upgrades, and long-term water use efficiency reporting. However, without a source of outside funding, the cost for local agencies to implement these measures ultimately falls to ratepayers. The affordability metrics under consideration seem disconnected from the drivers behind water rates. In addition, the “average bill” is often far from the “typical” or median water bill. High water users can skew the average (so the mean is higher than the median).
- **Maintain considerations for variations in costs of living.** Accounting for the variation in housing costs across the State is important as affordability in urban areas may be exacerbated by higher costs of living. We appreciate that Affordability Indicators 2 and 3 attempt to capture this variability and encourage OEHHA to continue examining additional potential measures with these same considerations. In addition, it is not entirely clear how OEHHA plans to factor in the percentage of households within a water system that are at or below the county poverty threshold into the composite ratio.
- **Assess progress of State programs.** In addition to indicators for individual water systems, we suggest OEHHA identify indicators for the efficacy of programs designed to address the three components of the Human Right to Water Framework, such as the Low-Income Water Rate Assistance Program currently under development.

We look forward to continued dialogue on this subject and would like to continue discussing how to advance implementable solutions to this critical challenge statewide. Please contact Katie Porter at 213.271.2239 if you have any questions on our comments.

Sincerely,



Cindy Paulson, Ph.D.
CUWA Executive Director



Katie Porter, PE
CUWA Staff Engineer